

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARLOS LINDSEY,

Plaintiff,

ORDER

v.

Case No. 16-cv-743-jdp

LAVERN WALLACE,

Defendant.

Plaintiff Carlos Lindsey, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted proposed civil action under 42 U.S.C. § 1983. Plaintiff has filed motion for leave to proceed without prepaying the fee. Using information for the relevant time period from plaintiff's trust fund account statements from this case and plaintiff's recently filed cases, it appears that plaintiff presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, I will grant plaintiff's motion for leave to proceed without prepayment of the filing fee, but will not assess an initial partial filing fee. Even if the court ultimately determines that plaintiff's complaint cannot go forward, plaintiff is advised that the full \$350 filing fee for indigent litigants remains plaintiff's obligation. *See* 28 U.S.C. § 1915A.

Because plaintiff is a prisoner, plaintiff is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine whether any portion is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff Carlos Lindsey for leave to proceed without prepayment of the filing fee is GRANTED.
2. No further action will be taken in this case until the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 15th day of November, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge